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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
09 AT SEATTLE

10 MICHAEL K. TURNBOW,) CASE NO. C04-2510-JCC-MAT
11))
12 Plaintiff,))
13))
14 v.))
15 JOSEPH LEHMAN, et al.,) ORDER TO SHOW CAUSE WHY
16)) SUMMARY JUDGMENT SHOULD
17 Defendants.) NOT BE GRANTED
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15 The Court, having considered the § 1983 complaint and the files and records herein, does
16 hereby find and ORDER:

17 (1) Defendants filed a motion for summary judgment which was noted on the Court's
18 calendar for consideration on August 19, 2005. Plaintiff failed to respond to the motion.

19 (2) Plaintiff shall show cause within *thirty (30) days* explaining why defendants'
20 motion for summary judgment should not be granted and why this action should not be
21 DISMISSED, with prejudice, pursuant to Federal Rule of Civil Procedure 56 and Local Rule CR
22 7(b)(2).

23 Plaintiff is advised, pursuant to *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998), and
24 Federal Rule of Civil Procedure 56, that he has a right to file counter-affidavits or other responsive
25 evidentiary materials in opposition to defendants' motion for summary judgment and that his
26 failure to file such materials may result in the entry of summary judgment against him. If the

01 motion for summary judgment is granted, plaintiff is advised that his case will be over. Thus, if
02 plaintiff fails to file opposing counter-affidavits or other evidence, defendants' evidence might be
03 taken as truth, and final judgment may be entered against plaintiff **without a trial.**

04 (3) Defendants' motion for summary judgment (Dkt. No. 16) is RE-NOTED on the
05 Court's calendar for consideration on ***September 30, 2005.***

06 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
07 defendants, and to the Honorable John C. Coughenour.

08 DATED this 23rd day of August, 2005.

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10 Mary Alice Theiler
United States Magistrate Judge

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